IN THE HIGH COURT OF JUDICATURE OF ANDHRA PRADESH AT HYDERABAD

THE HON'BLE SRI JUSTICE GOPALAKRISHNA TAMADA

Writ Petition No.14008 of 2000

Dated: 26-09-2007

Between:

Miriyala Suri Babu, s/o Subba Rao,
r/o Revenue Colony,
Jagannayakipur,
Kakinada,
East Godavari District.

... Petitioner

and

1. The Deputy Transport Commissioner,
   Kakinada,
   East Godavari District and another.

... Respondents

ORDER:

Petitioner states that he is a driver and respondent authorities issued a valid licence bearing No.11961/86 in favour of him to drive transport vehicles and the said licence was renewed from time to time and it was valid up to 19-09-2000. He further states that while he was working as driver on a lorry AP 5X-3897, belonging to one Smt. I. Chittemma of Kakinada, on 06-05-2000 the Motor Vehicles Inspector, Vijayawada intercepted the lorry, seized his driving licence and made out a check report bearing No.22538 dated 06-05-2000 alleging that

three passengers were found in the lorry. He also states that the first respondent – Deputy Transport Commissioner based on the check report dated 06-05-2000 issued the proceedings impugned bearing R.No.22423/B2/2000 dated
27-07-2000 suspending his driving licence for a period of six months commencing from 06-05-2000. Assailing the said proceedings the present writ petition has been filed.

2. Heard learned counsel for the parties.

3. Learned counsel for the petitioner contended that the first respondent suspended the petitioner's driving licence through the proceedings impugned without affording him any opportunity. In this context, learned counsel has drawn my attention to Section 19 of the Motor Vehicles Act, 1988 (for short, 'the Act'), which deals with the power of licencing authority to disqualify from holding a driving licence or revoke such licence.

4. In fact, the said provision of law indicates that if a licencing authority is satisfied after giving the holder of a driving licence an opportunity of being heard, can suspend the licence. In the instant case, the main contention of the learned counsel for the petitioner is that without affording any opportunity to the petitioner his licence was suspended and hence, it is hit by Section 19 of the Act.

5. Having perused the provision of law and also taking the offence alleged against the petitioner into consideration, this Court is of the view that the said suspension is unwarranted.

6. Accordingly, the writ petition is allowed and the proceedings impugned is set aside. No costs.

JUSTICE GOPALAKRISHNA TAMADA

Dt.26-09-2007
GLV